

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

PHILIP LAWRENCE DUFRESNE,

Plaintiff,

v.

Case No: 6:21-cv-1946-GKS-LHP

COMMISSIONER OF SOCIAL
SECURITY

Defendant.

**REPORT AND RECOMMENDATION
TO THE UNITED STATES DISTRICT COURT:**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: UNOPPOSED MOTION TO REMAND UNDER
SENTENCE SIX OF 42 U.S.C. § 405(g) (Doc. 15)**

FILED: January 31, 2022

THEREON it is RECOMMENDED that the motion be GRANTED.

On November 18, 2021, Plaintiff filed a complaint seeking review of the final decision of the Commissioner of Social Security denying his application for benefits. (Doc. 1). The Commissioner has not yet answered the complaint. On January 31, 2022, the Commissioner filed the present motion seeking remand of this case

because “significant portions” of the tape recording of the administrative hearing are inaudible. (Doc. 15). Plaintiff consents to the motion. (*Id.*, at 2).

Pursuant to sentence six of 42 U.S.C. § 405(g), “[t]he court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner’s answer, remand the case to the Commissioner of Social Security for further action by the Commissioner” The undersigned finds that good cause exists for the requested remand. *See, e.g., Garcia v. Comm’r of Soc. Sec.*, No. 6:10-cv-1063, 2010 WL 5209333, at *1 (M.D. Fla. Nov. 4, 2010) (finding good cause for sentence six remand where the Commissioner had not yet answered the complaint and where the recording of the administrative hearing was inaudible), *report and recommendation adopted*, 2010 WL 5209331 (M.D. Fla. Dec. 16, 2010).

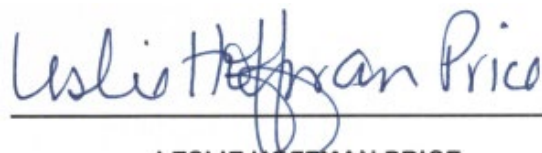
Accordingly, it is **RESPECTFULLY RECOMMENDED** that the Court:

1. **GRANT** the Commissioner’s Unopposed Motion to Remand Under Sentence Six of 42 U.S.C. § 405(g) (Doc. 15);
2. **REMAND** the case to the Commissioner pursuant to sentence six of § 405(g); and
3. **DIRECT** the Clerk of Court to administratively close the case.

NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to serve written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1.

Recommended in Orlando, Florida on February 1, 2022.

A handwritten signature in blue ink that reads "Leslie Hoffman Price". The signature is written in a cursive style and is positioned above a horizontal line.

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record